

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

HAYWARD INDUSTRIES, INC.,

Plaintiff

v.

BLUEWORKS CORPORATION,  
BLUEWORKS INNOVATION  
CORPORATION, NINGBO C.F.  
ELECTRONIC TECH CO., LTD; NINGBO  
YISHANG IMPORT AND EXPORT CO.,  
LTD.

Defendants.

Civil Action No. 3:20-CV-710 -MOC-SCR

**DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF CONSENT MOTION  
FOR RELIEF FROM THE TEMPORARY RESTRAINING ORDER**

Defendants Blueworks Corporation, Blueworks Innovation Corporation, Ningbo C.F. Electronic Tech Co., Ltd, and Ningbo Yishang Import and Export Co., Ltd (collectively "Defendants") respectfully submit this Memorandum of Law in Support of their Motion for Relief from the Temporary Restraining Order entered on April 11, 2024. [DE 393].

The Court also instructed the Defendants to seek relief on a case-by-case basis in its Order on Defendants' Motion for Clarification [DE 404]:

Defendants are instructed that the Court will consider requests for relief from the TRO on a case-by-case basis. Any such request shall identify the payee, amount to be paid, and reason why payment cannot be delayed until after the April 23 hearing. The Court will endeavor to rule on such requests as soon as practicable.

DE 404 at 2.

Defendants seek relief to transfer assets for payment of invoices stemming from their outside vendor's preparation of trial exhibits and presentation. These invoices from Digital Evidence Group totaling \$54,872.21 are redacted and attached hereto as **Exhibit 1**. These invoices should not be delayed any further due to the terms of payment with Digital Evidence Group requesting payment by April 21, 2024, as shown on the final invoice.

Defendants note that these are not the only invoices that it anticipates. Given the timing of the Court's Order, and the extended process to seek relief (collecting the required information, meeting and conferring with Hayward, seeking additional information that Hayward demands to consent to relief), Defendants have sought extensions for payments where they could (for example, Blueworks sought an extension with respect to the April 15, 2024 tax filing deadline). If a similar procedure remains in place following the hearing next Tuesday, Defendants will have more invoices to submit to the Court.

Plaintiff Hayward Industries, Inc. has consented to this requested relief pursuant to LCvR 7.1(b) by emails on April 18 and April 19, 2024. **Exhibit 2**.

For all of these reasons, Defendants respectfully submit that this relief from the Temporary Restraining Order should be granted and allow Defendants to meet their requested financial and legal obligations as set out herein.

Dated: April 19, 2024

Respectfully submitted,

/s/ Christina Davidson Trimmer  
Christina Davidson Trimmer  
NC Bar No. 44857  
Samuel Alexander Long, Jr.  
NC Bar No. 46588  
SHUMAKER, LOOP & KENDRICK, LLP  
101 South Tryon Street  
Suite 2200  
Charlotte, North Carolina 28280  
Tel: (704) 375-0057

Fax: (704) 332-1197  
Email: ctrimmer@shumaker.com  
along@shumaker.com

Michelle C. Dunn  
Platinum Intellectual Property  
3031 Tisch Way, Suite 110 PW  
San Jose, CA 95128  
Tel: 404-800-5884  
Fax: 877-463-0654  
Email: michelle.dunn@platinum-ip.com

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 19, 2024, the foregoing document was served on all counsel of record using the Court's CM/ECF system, which will send notification of such filing to any CM/ECF participants.

Respectfully submitted,

/s/ Christina Davidson Trimmer

Christina Davidson Trimmer

NC Bar No. 44857

SHUMAKER, LOOP & KENDRICK, LLP

101 South Tryon Street

Suite 2200

Charlotte, North Carolina 28280

Tel: (704) 375-0057

Fax: (704) 332-1197

Email: ctrimmer@shumaker.com